

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DEANDRE BROWN,

Plaintiff,

v.

CITY OF PITTSBURGH, a municipal corporation, NICHOLAS BOBBS, in his official and individual capacities, FRANK A. WELLING, in his official and individual capacities, JOHN and/or JANE DOE, in their individual and official capacities,

Defendants.

CIVIL ACTION NO. 2:14-cv-506

Jury Trial Demanded

PARTIAL MOTION TO DISMISS

Filed on behalf of:

All Defendants

PARTIAL MOTION TO DISMISS

AND NOW, come the Defendants, by and through undersigned counsel, Bryan Campbell, Esq., and file the within *Partial Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6)* and in support thereof avers the following:

1. Plaintiff filed his Complaint on April 17, 2014 alleging causes of action for False Arrest, Malicious Prosecution, False Imprisonment and Intentional Infliction of Emotional Distress against the named Defendants.

2. Plaintiff asserts these claims stem from his arrest on September 16, 2013 for the September 10, 2013 robbery of Dana's Bakery in the Homewood neighborhood of the City of Pittsburgh.

3. The Defendants investigated the robbery and the evidence pointed to Plaintiff as the individual that committed the robbery. The clerk that was robbed identified Plaintiff as the robbery from a photo array.

4. Following Plaintiff's arrest and the holding of the charges at the preliminary hearing, an individual appeared at Pittsburgh Police Headquarters and gave a statement providing an alibi for the Plaintiff for the time of the robbery.

5. Within a few days of the alibi appearing, the charges were withdrawn against the Plaintiff.

6. Plaintiff filed an Amended Complaint on September 15, 2015 adding a claim of reckless investigation under the Fourteenth Amendment. (Doc. No. 31). Plaintiff fails to allege any facts that shock the conscience and his claims are adequately addressed by the Fourth Amendment claims alleged.

WHEREFORE, the Defendants respectfully request that this Honorable Court grant the within *Partial Motion to Dismiss*.

Respectfully submitted,

/s/ Bryan Campbell

Bryan Campbell, Esq.
330 Grant St., Ste. 2620
Pittsburgh, PA 15219
(412) 642-7667
bryancmpbl@yahoo.com